

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**23 MAG 7675**

UNITED STATES OF AMERICA

v.

ORLANDO WHITFIELD,

Defendant.

**SEALED COMPLAINT**

Violation of 18 U.S.C. § 922(g)(1)

COUNTY OF OFFENSE:  
BRONX

SOUTHERN DISTRICT OF NEW YORK, ss.:

BRIAN SHEA, being duly sworn, deposes and says that he is a Detective with the New York City Police Department (“NYPD”), and charges as follows:

**COUNT ONE**  
**(Possession of a Firearm After a Felony Conviction)**

1. On or about October 11, 2023, in the Southern District of New York, ORLANDO WHITFIELD, the defendant, knowing he had previously been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, to wit, a .380 caliber Bryco semi-automatic pistol, and the firearm was in and affecting commerce.

(Title 18, United States Code, Section 922(g)(1).)

The bases for my knowledge and the foregoing charge are, in part, as follows:

2. I have been involved in the investigation of this matter, and I base this affidavit on that experience, as well as on my conversations with other law enforcement agents, and my examination of various reports and records. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. Based on my participation in the investigation, my conversations with the law enforcement officers referenced below, and my review of body camera footage and arrest reports, I have learned, in substance and in part, the following:

a. On or about October 11, 2023, at approximately 12:00 a.m., the NYPD received a 911 call regarding a dispute between two men in the vicinity of Riverdale Avenue and West 259<sup>th</sup> Street in the Bronx, New York. The 911 caller (the “911 Caller”) reported that one of the two men displayed a firearm.

b. NYPD officers (“the Officers”) responded to the scene and the 911 Caller identified for the Officers the individual in the dispute who was observed to have displayed a firearm (the “Suspect”).

c. The Officers approached the Suspect, who proceeded to walk away from the Officers with his hands in the pockets of a jacket he was wearing. The Officers asked the Suspect to stop and to take his hands out of his pockets; the Suspect refused to comply with those commands and instead continued to walk away and kept his hands in his pockets. The Officers then attempted to restrain the Suspect and place him in handcuffs. The Suspect resisted the Officers’ attempts to place him in handcuffs and in the course of resisting, the Suspect peeled out of the jacket he was wearing and the jacket fell to the ground. The man with whom the Suspect had been in a dispute that night approached the jacket with nothing in his hands and picked up the jacket from the ground for a moment, but one of the Officers immediately grabbed the jacket from that man. That Officer recovered from the jacket’s pocket a .380 caliber Bryco semi-automatic pistol (the “Firearm”). The Firearm, its magazine, and a round of ammunition with which the Firearm was loaded are pictured below:



d. After the Officers transported the Suspect to NYPD’s 50th Precinct, the Suspect identified himself to the Officers and provided the name “Orlando Whitfield.” As a result, the Officers identified the Suspect as ORLANDO WHITFIELD, the defendant.

4. Based on my communications with a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives, I have learned, among other things, that the Firearm was manufactured outside of the State of New York.

5. I have reviewed criminal history records pertaining to ORLANDO WHITFIELD, the defendant, which show, among other convictions, that WHITEFIELD was previously convicted of a crime punishable by more than one year in prison, as follows:

a. On or about February 14, 2017, WHITFIELD pled guilty to criminal sale of a controlled substance in the third degree, in violation of New York Penal Law 220.39, which carries a maximum term of imprisonment of 25 years. On or about February 14, 2017, WHITFIELD was sentenced to a term of imprisonment of two years.

6. After the arrest of ORLANDO WHITFIELD, the defendant, was processed, Officers provided *Miranda* warnings to WHITFIELD and questioned him about the Firearm recovered incident to his arrest, among other topics. WHITFIELD claimed, in substance and in part, that he was not aware of any firearm recovered the night of his arrest and that he did not have any firearm on his person. He also claimed, in substance and in part, that the jacket from which the Firearm was recovered was not his jacket and that he was not wearing the jacket the night he was arrested.

WHEREFORE, I respectfully request that a warrant be issued for the arrest of ORLANDO WHITFIELD, the defendant, and that he be arrested and imprisoned or bailed, as the case may be.

*s/ Brian Shea by the Court with permission*

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BRIAN SHEA  
Detective  
New York Police Department

Sworn to me through the transmission of  
this Complaint by reliable electronic  
means (telephone), this 27 day of December, 2023.



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THE HONORABLE BARBARA MOSES  
United States Magistrate Judge  
Southern District of New York